



# Department of Defense

## DIRECTIVE

NUMBER 5240.01

August 27, 2007

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USD(I)

SUBJECT: DoD Intelligence Activities

- References:
- (a) DoD Directive 5240.1, "DoD Intelligence Activities," April 25, 1988 (hereby canceled)
  - (b) DoD Directive 5143.01, "Under Secretary of Defense for Intelligence," November 23, 2005
  - (c) Executive Order 12333, "United States Intelligence Activities," December 4, 1981, as amended by Executive Order 13284, January 23, 2003, and Executive Order 13355, August 27, 2004
  - (d) Executive Order 13388, "Further Strengthening the Sharing of Terrorism Information to Protect Americans," October 25, 2005
  - (e) through (k), see Enclosure 1

### 1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues Reference (a) and implements References (b), (c), and (d); section 188 of Public Law 108-458 (Reference (e)); Executive Order 12863 (Reference (f)); and chapter 36 of title 50, United States Code (Reference (g)).

1.2. Updates policy and provides direction for DoD intelligence activities.

1.3. Shall be the primary authority used as guidance by the Defense Intelligence Components and those performing an intelligence or counterintelligence (CI) function to collect, process, retain, or disseminate information concerning U.S. persons.

1.4. Continues to authorize the publication of DoD 5240.1-R (Reference (h)).

### 2. APPLICABILITY AND SCOPE

This Directive:

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2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).

2.2. Applies to all intelligence activities conducted by the DoD Components.

2.3. Does not apply to authorized law enforcement activities carried out by the Defense Intelligence Components, or to individuals executing law enforcement missions while assigned to the Defense Intelligence Components.

### 3. DEFINITIONS

Terms used in this Directive are defined in Enclosure 2.

### 4. POLICY

It is DoD policy that:

4.1. All DoD intelligence and CI activities shall be carried out pursuant to the authorities and restrictions of the U.S. Constitution, applicable law, Reference (c), the policies and procedures authorized herein, and other relevant DoD policies authorized by Reference (b). Special emphasis shall be given to the protection of the constitutional rights and privacy of U.S. persons.

4.2. DoD intelligence and CI activities shall conform to U.S. law and Presidential guidance concerning the authorities and responsibilities of the Director of National Intelligence (DNI).

4.3. Defense Intelligence and CI shall be the all-source information collection, analysis, sharing, and dissemination capability derived from intelligence and CI activities, operations, and campaign plans, provided to national and defense decision makers and warfighters for military planning and operations.

4.4. Defense Intelligence shall provide accurate and timely warning of threats and of foreign capabilities and intent to national and defense decision makers to allow for consideration of the widest range of options. While Defense Intelligence must be timely, it also must be substantive, thorough, contextual, and useful in form and format.

4.5. Consistent with the need to protect intelligence sources and methods and the provisions of Director of Central Intelligence Directive 8/1 (Reference (i)), the Defense Intelligence and CI Components have an affirmative responsibility to share collected and stored information, data, and resulting analysis with other Defense Intelligence and CI Components, the national Intelligence Community (IC), other relevant Federal agencies, and civilian law enforcement officials, as appropriate. This also applies to the exchange and sharing of terrorism-related

information pursuant to Reference (d). Information sharing shall adhere to the requirements and restrictions imposed by Federal law, Executive order, and DoD and DNI policies.

4.5.1. The Defense Intelligence and CI Components shall share collected or stored information in a manner consistent with both the need to protect sources and methods and the need to enable the Defense Intelligence and DoD Components, other Government agencies, and the Intelligence Community, as appropriate, to accomplish their missions and responsibilities.

4.5.2. The broadest possible sharing of intelligence with coalition and approved partner countries shall be accomplished unless otherwise precluded from release by law, explicit direction, or policy.

4.5.3. Original classifiers shall draft intelligence products with a presumption of release and in such a manner as to allow the widest dissemination to allies, coalitions, and international organizations.

4.6. No Defense Intelligence or CI Component shall request any person or entity to undertake unauthorized activities on behalf of the Defense Intelligence or CI Component. No Defense Intelligence or CI Component shall request any person or entity to undertake intelligence activities on behalf of the Defense Intelligence or CI Component that do not follow the procedures described in Reference (h). The collection techniques described in Reference (h) shall be employed only to perform intelligence or CI functions assigned to the Defense Intelligence Component concerned. Use of such techniques to collect information about U.S. persons shall be limited to the least intrusive means feasible and shall not violate law, Executive order, Presidential guidance, or DoD or DNI policy.

4.7. The Defense Intelligence and CI Components and their employees shall report all intelligence or CI activities that may violate law, Executive order, Presidential directive, or applicable DoD policy through the Component chain of command to the Inspector General or General Counsel responsible for the Defense Intelligence Component concerned, or to the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)).

4.8. The Defense Intelligence Components shall only conduct, or provide support for the conduct of, covert activities in times of war declared by Congress, during a period covered by a report from the President to Congress consistent with sections 1541-1548 of Reference (g), or when such actions have been approved by the President and directed by the Secretary of Defense.

4.9. Under no circumstances shall any DoD Component or DoD employee engage in, or conspire to engage in, assassination.

## 5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Intelligence (USD(I)), according to Reference (b), shall provide overall policy guidance for the conduct of DoD intelligence, CI, security, and intelligence-related activities. Pursuant to Reference (b), the USD(I) shall:

5.1.1. Serve as the focal point for the Secretary of Defense, according to the responsibilities and functions prescribed herein, with other U.S. Government entities and agencies, including the National Security Council, the DNI, the Homeland Security Council, the Department of the Treasury, the Department of State, the Department of Justice, and the Department of Homeland Security as well as State agencies, the IC, and Congress.

5.1.2. Serve as the focal point for the Secretary of Defense, according to the responsibilities and functions prescribed herein, with foreign governments, international organizations, and non-governmental organizations.

5.1.3. Promote coordination, cooperation, information sharing, and cross-Service management of intelligence, CI, security, and related programs within the Department of Defense and between the Department and other Federal agencies.

5.1.4. Provide oversight and policy guidance on sensitive intelligence activities; serve as the DoD lead for Departmental participation in all such activities.

5.2. The Department of Defense General Counsel shall:

5.2.1. Serve as the focal point for contact with, and reporting to, the Attorney General regarding legal matters arising under this Directive.

5.2.2. Interpret this Directive and Reference (h), as required.

5.3. The ATSD(IO) shall serve as the focal point for all contacts with the Intelligence Oversight Board of the President's Foreign Intelligence Advisory Board pursuant to Reference (f), and shall perform the responsibilities assigned in DoD Directive 5148.11 (Reference (j)).

5.4. The Secretaries of the Military Departments with IC elements shall:

5.4.1. Organize, staff, train, and equip the intelligence assets of the Military Departments, including CI, signals intelligence, geospatial intelligence, measurement and signatures intelligence, and human intelligence assets, to support operational forces, national-level policy-makers, and the acquisition community.

5.4.2. Develop intelligence capabilities including interoperable and compatible systems, databases, and procedures for joint operational forces according to DoD guidance; Combatant Commander and Director, Defense Intelligence Agency, requirements; the Defense Intelligence Information System Network-Centric Architecture; and the Joint Technical Architecture.

5.4.3. Fulfill assigned Defense Intelligence Analysis Program responsibilities, both national-level and Military Department-unique, for national intelligence activities in support of national and DoD entities through timely, tailored, all-source intelligence tasking, collection, processing/exploitation, analysis/production, and dissemination/integration.

6. EFFECTIVE DATE

This Directive is effective immediately.



Gordon England

Enclosures – 2

E1. References, continued

E2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Section 188 of Public Law 108-458, "Intelligence Reform and Terrorism Prevention Act of 2004," December 17, 2004
- (f) Executive Order 12863, "President's Foreign Intelligence Advisory Board," September 13, 1993, as amended by Executive Order 13070, December 15, 1997; Executive Order 13301, May 14, 2003; and Executive Order 13376, April 13, 2005
- (g) Chapter 36 and sections 401a(2), 413, and 1541-1548 of title 50, United State Code
- (h) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 11, 1982
- (i) Director of Central Intelligence Directive 8/1, "Intelligence Community Policy on Intelligence Information Sharing," June 4, 2004
- (j) DoD Directive 5148.11, "Assistant to the Secretary of Defense (Intelligence Oversight)," May 21, 2004
- (k) Joint Publication 1-02, "DoD Dictionary of Military and Associated Terms," as amended

E2. ENCLOSURE 2

DEFINITIONS

- E2.1. All-Source Analysis. An intelligence activity involving the integration, evaluation, and interpretation of information from all available data sources and types, to include human intelligence, signals intelligence, geospatial intelligence, measurement and signature intelligence, and open source intelligence.
- E2.2. CI. Defined in Joint Publication 1-02 (Reference (k)).
- E2.3. Defense CI Components. Defined in Reference (b).
- E2.4. Defense Intelligence. Defined in Reference (b).
- E2.5. Defense Intelligence Components. Defined in Reference (b).
- E2.6. Foreign Intelligence. Defined in section 401a(2) of Reference (g).
- E2.7. Intelligence Activities. The collection, analysis, production, and dissemination of foreign intelligence and CI pursuant to References (b) and (c).
- E2.8. National Intelligence. Defined in Reference (b).
- E2.9. Covert Action. Defined in section 413 of Reference (g).
- E2.10. U.S. Person. Defined in Reference (c).